

THE Rodney Standard,

AND PUBLISHED EVERY TUESDAY BY

JOHN M. DUFFIELD.

ONE DOLLAR per year, in advance, or the expiration of the year.

Advertisements for a shorter period, on application.

Fresh Stock.

Bone & McGinley.

HAVE just received, and now offer for sale, a fresh stock of Groceries and Produce, direct from the New Orleans and Cincinnati markets, consisting in part of the following articles, to wit:

- 50 barrels mess Pork
- 50 do rump do
- 200 do Flour
- 50 Boxes mould Candles
- 50 do dipped do
- 50 do Sperm do
- 50 do Bar Soap, No. 1
- 50 do Palm do
- 12 dozen Brooms
- 100 Reams Wrapping Paper
- 40 Kegs Lard
- 30 do Butter
- 50 Barrels Apples
- 50 do Potatoes
- 20 Sacks Coffee
- 5 Tierces Rice
- 20 Barrels Molasses
- 15 do Sugar
- 20 Boxes Raisins
- 50 do Table Salt
- 20 Kits Mackerel
- 50 Sacks Coarse and Fino Salt
- 10 Casks Cheese
- 100 Jars Havana Sweet Meats

Also—100 Barrels old Rectified Whiskey

AND AN ASSORTMENT OF

Wines, Muscat and Champagne,

With a large lot of TIN WARE, BED-STEADS, &c. &c.

All of which articles have been selected with care, and offered to the public at a small advance, at Overaker's late stand on Commerce street.

Rodney, January 2, 1838

Rodney Shipping Company.

AN ACT,

TO INCORPORATE THE SUBSCRIBERS TO THE

RODNEY SHIPPING COMPANY.

SECTION 1. *Be it enacted by the Legislature of the State of Mississippi,* That there shall be established at the town of Rodney, in the State of Mississippi, a company, with a capital of Five Hundred Thousand Dollars, divided into five thousand shares of one hundred dollars each share, for the purpose of pressing and re-pressing Cotton; of transporting by steam tow-boats, steam boats, barges, and all other river and sea vessels; and of importing into, and exporting from the State of Mississippi, and all other States, and foreign countries, goods, wares and merchandize, cotton, produce, commodities and effects, of every kind, as freight for others, or on their own account, and of buying and selling the same on their own account, and also of buying and selling the same on commission, for account of others: and to charge and receive therefor, the usual rates of commission; also, to convey passengers, and generally to do all acts, and to transact all business, which any private commercial co-partnership or firm can do.

SEC. 2. *Be it further enacted,* That subscription for the capital stock of said Company, shall be opened in the town of Rodney, on the day which shall be fixed upon by the following named commissioners, and under their superintendance, viz: Thomas W. Beck, Andrew Montgomery, Nathaniel Harrison, Jeremiah B. Warren, Th. A. Compton, Alva Farnsworth, and John M. Duffield, or the major part of them, and shall continue open every day, between the hours of ten o'clock in the forenoon, and four o'clock in the afternoon, for the term of six days, (Sundays excepted,) and shall continue open after the said term of six days, unless one hundred thousand dollars shall have been subscribed, and shall continue open until said one hundred thousand dollars of stock at least, shall have been subscribed, if not subscribed during the said six days, the said commissioners also giving at least four weeks previous notice of the time and place of opening said subscription, in a newspaper printed in each of the following places, in the State of Mississippi, to wit: Rodney, Port Gibson, Vicksburg, Jackson, and Natchez. The said commissioners, or a majority of them, as soon as the subscriptions shall be closed as aforesaid, shall proceed to take an account of said subscription, and if more than the one hundred thousand dollars shall have been subscribed for, the said superintendants shall allow the same towards the remaining four hundred thousand dollars of the capital stock, and if subscriptions shall have been made greater than the capital stock of five hundred thousand dollars, they shall deduct the amount of said excess from the largest subscription in such manner as that no subscription shall be reduced in amount while any one subscription shall remain larger; and in case of said deductions, said commissioners shall cause a list of said apportioned subscriptions to be made out, that the subscribers may thereby ascertain the number of shares apportioned to them respectively. The amount of shares subscribed for, shall be paid as follows, to wit: ten dollars on each share at the time of subscribing, and the balance of ninety dollars upon each share, to be paid at such times and in such instalments as the Board of Directors to be appointed by the stockholders, may require—giving thirty days previous notice thereof, by advertisement, in a newspaper printed in the town of Rodney. Each subscriber shall be required to pay in, one half of the amount of stock subscribed for, within twelve months of the time of subscribing—the remaining half of the said stock to be paid for within two years from the time of subscribing; and the said commissioners shall pay over the amount of money received upon stock, upon the order of the Board of Directors.

SEC. 3. *Be it further enacted,* That as soon as said subscription for stock shall be closed by said commissioners, as provided in the preceding sections, the subscribers, their successors, and assigns, shall be, and they are hereby created, a body politic and corporate, by the name of the Rodney Shipping Company, and shall so continue until the thirty-first day of December, A. D. eighteen hundred sixty-two, and by that name shall be able and capable in law, to contract for, purchase, receive, enjoy and retain, to them, their successors and assigns, steam and other presses, sea vessels, steam tow-boats, steam boats, barges, and every description of boats and sea vessels, slaves, goods, chattels, wares and merchandize, produce and effects, of every kind, nature, and quality; and to grant, sell, alienate, barter exchange and dispose of the same; to purchase, sell, and deal in foreign and domestic bills of exchange, at the usual rate of interest, to issue and take bills of exchange and promissory notes, and to loan and advance money, and to charge and receive legal interest therefor. The said Company shall not, however, issue bank notes, have any bank, or exercise banking privileges; but it shall be able and capable in law, to sue and be sued, plead and be pleaded, defend and be defended, in all manner of suits, controversies, and differences, and to compromise and settle the same; to hold, possess, and enjoy, in real estate, lands, rents, tenements and hereditaments, sufficient for the purposes of said Company, and no more; to have a common seal; and the same to remove and alter at pleasure; and to establish all necessary by-laws not contrary to this act, nor the Constitution or laws of the United States, or of this State.

SEC. 4. *Be it further enacted,* That as soon as the subscription for stock shall be closed by said commissioners as aforesaid, they or a majority of them, shall call a meeting of said subscribers, in the town of Rodney, for the purpose of electing under the superintendance of said commissioners, seven Directors, which Directors then elected, shall continue in office until the second Monday in January, A. D. eighteen hundred and thirty-nine, and until their successors shall be elected; and an election for Directors after the aforesaid election, shall be held on the second Monday of January, eighteen hundred and thirty-nine, and afterwards on the second Monday in January in every year, at the office of said Company, or some other convenient place appointed by the Directors, in the town of Rodney—said Directors giving twenty days previous notice of each of said elections, (except the first as aforesaid,) by advertisement in any newspaper printed in the town of Rodney, of the time, place and object of said election, by order of the Board of Directors.—And the Directors shall, at their first meeting after their election, elect one of their number to serve as President, who shall serve during the period said Directors shall continue in office.

SEC. 5. *Be it further enacted,* That in the event of any vacancy, from death, resignation, non-acceptance, or removal from office, or absence of a Director, the vacancy shall be filled by appointment by the Board of Directors.

SEC. 6. *Be it further enacted,* That the Board of Directors shall have power to appoint such officers, agents, clerks, superintendants, consignees, servants, and a secretary, as shall be necessary for the management and execution of the business of said company, and to fix and allow their compensation or commissions; and also, to discharge and supersede any such secretary, officers, agents, consignees, clerks, superintendants, and servants, and require them to surrender to said Board of Directors, or to the President alone, or to an agent, all books, papers, vouchers, accounts, and articles, moneys or effects, belonging to said Company, in the custody or possession of such discharged or superseded person or persons; and said board shall be capable of exercising such other authority and powers, for the well-being, transacting and conducting the affairs of said corporation, as shall be provided and fixed by the by-laws, resolutions, and regulations of the same, not contrary to this act, nor to the constitution and laws of the United States, or of this State.

SEC. 7. *Be it further enacted,* That if any portion of said capital stock shall remain unsubscribed, when said subscriptions shall be closed by said commissioners, as provided for in the second section of this act, said Directors shall, as soon as they deem it best to do so, open books in the town of Rodney, for the subscription of said remaining stock, under such rules, regulations and restrictions, as they shall deem proper: giving at least four weeks previous notice of the time and place of opening said books, in a newspaper printed in the town of Rodney.

SEC. 8. *Be it further enacted,* That the following rules, restrictions, and provisions, shall form and be fundamental articles of said company:—1. No stockholder or other than an actual bona fide citizen of this State shall be entitled to a vote either in person or by proxy, and no vote shall be received at any election based upon any transfer of stock from a foreign stockholder, unless such transfer shall have been made at least sixty days before any election at which said vote may be offered. 2. Every stockholder shall be entitled, at all meetings of the stockholders convened for the purpose of electing Directors of said Company, to vote for Directors according to the number of shares he, she, or they, shall respectively hold in the proportions following: that is to say, for each and every share not exceeding ten, one vote; for every two shares above ten, and not exceeding fifty, one vote; for every five shares above fifty, and not exceeding one hundred, one vote; and for every ten shares above hundred, one vote; but no person, corporation, firm, or company, shall be entitled to more than one hundred votes in such election for Directors of said Company. 3. The President and Directors shall be entitled to such compensation only for their services, as may be provided by the by-laws of said corporation. 4. Not less than three Directors, of whom the President shall be one, shall constitute a quorum to do business; but in case of the sickness of the President, or his absence from the Board on any account, his place may be supplied by any other Director whom the Board may appoint. 5. None but a stockholder who may be a citizen of the State, shall be eligible to the office of Director. 6. All officers appointed by said Directors, shall execute bonds to said Company with good and sufficient security for the faithful discharge of their respective duties, except consignees. 7. The capital stock shall be considered personal property, and certificates therefor shall be issued to the stockholders, for their respective shares of stock, signed by the President and countersigned by the Secretary, and the same shall be transferable and assignable by endorsement. 8. All bills, notes, checks, orders, and writings, of every description, which may be given by said corporation for any purpose whatsoever, signed by the President and countersigned by the Secretary, or accepted and endorsed by the President, (as the case may be,) for the payment of any money in favor of any person or persons, co-partnership or co-partnerships, or for the doing or performing of any other act or thing whatsoever, though not under the seal of said corporation, shall be, and be taken in like manner, and with like force and effect, as the same would or could

be, by law, upon a natural person, as if the same had been issued, signed, accepted, or endorsed, by such natural person, and shall be assignable and negotiable in like manner. 9. The said stockholders who are qualified to vote, as in this section heretofore prescribed, may at all times vote by proxies, authorized in writing, at all meetings of the stockholders. 10. If any stockholder shall neglect or refuse to pay the instalments on his stock, as required from time to time, by the Board of Directors, the stock of such defaulting stockholder shall be forfeited to said Company; and said stockholder shall at all times continue liable for the amount of unpaid instalment or instalments, due upon such forfeited stock. 11. Each stockholder shall be separately and personally liable for the amount of the capital stock subscribed by him, but no further; and all lands, rents, tenements and hereditaments, steam and other presses, sea vessels, steam tow-boats, steam boats, barges, and every other description of boats, slaves, goods, and chattels, wares and merchandize, produce and other effects of every kind, all foreign and inland bills of exchange, promissory notes, money and effects, belonging to said Company, in its corporate capacity, shall be held liable to pay the debts, contracts, and legal or equitable liabilities of the Company, to an extent as equal as if the same belonged to a natural person. 12. The President shall have power to convene special meetings of the Directors when it shall appear necessary, and the Board of Directors may convene special meetings of the stockholders. 13. Yearly dividends of so much of the profits of said Company shall be made, as shall appear to the Directors advisable; and once in every two years, at least, the Directors shall lay before the stockholders at a general meeting, for their information, an exact statement of the affairs of said Company. 14. The stockholders shall have power to appoint a committee of their visitors, to examine all the books, accounts, vouchers, and correspondence, and papers and affairs, of said Company, whenever a majority of them at any regular meeting, shall deem it necessary, which committee shall be appointed from among the stockholders; and it shall be the duty of the Board of Directors to exhibit to said committee all the books, vouchers, correspondence, and papers, belonging to said Company, and to give them all the information in their power in relation to the affairs of said Company; and the said committee shall make a report thereof to said stockholders, at a meeting for that purpose, to be appointed by said stockholders. 15. All deeds and conveyances, and other instruments of writing, signed by the President and countersigned by the Secretary, shall be binding and obligatory upon said corporation, according to the tenor and meaning thereof, without the seal of said corporation.

SEC. 9. *Be it further enacted,* That this act shall be deemed a public act, and notice shall be taken of it as such, in all courts of justice and elsewhere, and it shall, and may be given in evidence without being specially pleaded.

SEC. 10. *Be it further enacted,* That the real and personal estate, and other effects belonging to said company, which now are, or may be hereafter subject to taxation, shall be subject to the same rate of taxation as other property belonging to private individuals; and the tax shall be paid into, and constitute a part of the literary fund of this State.

SEC. 11. *And be it further enacted,* That this act shall take effect from and after the passage thereof.

Speech of Mr. Prentiss,
ON THE
MISSISSIPPI CONTESTED ELECTION
Delivered in the House of Representatives,
January 17, 1838.

[CONTINUED FROM OUR LAST.]

The following is the bold avowal made by Mr. Claiborne in his written speech, which has had the peculiar good fortune to be placed upon the records of this House: "The ordinary certificate of election, or credentials, were forwarded to my colleague, but never received by him. Those sent to me were duly received; but perceiving that they contained the limitation of the term of service mentioned in the Governor's writ to hold the election *in applicat* for and obtained the statement from the Secretary of State, to be used in their stead." It thus appears that the regular and official evidence of the gentlemen's right to seats was kept back, and spurious, secondary, and partial evidence, unknown to the law of the State, introduced in its stead, upon the express ground that the primary and legitimate evidence did not sustain their claim to seats in the 25th congress. It is but justice, however, to Mr. C. to say, that he charges the committee with the whole odium of the concealment; for he says in continuation of the remarks above quoted, "All this was distinctly stated by us to the committee of Elections in Sept." But the committee of Elections did not see fit to communicate to the House this important fact in relation to the very certificate upon which they were instructed to report.—Knowing, according to the statement of Mr. Claiborne, that a certificate of election was in existence, but kept back, solely on account of its insufficiency to sustain the claim set up by the gentlemen possessing it, the committee, in palpable violation of the instructions of the House, refused to compel its production, nor take notice of its existence; but make a report favorable to the claimants, based upon partial and secondary evidence, avowedly obtained for the express purpose of avoiding the effect and operation of the certificate of election.

The committee have not denied the assertion of Mr. C., that he informed them of these facts. Possessing this information, I know not how they could reconcile it with their consciences to conceal it from the House. However, it is with the facts and not with the consciences of the committee that my business lies. The facts which I have stated are now uncontroverted. I leave them without comment to the judgment of the House, with this single question, Were not many honorable gentlemen deceived and mistaken as to the intention and extent of the July election? And did they not consider that intention a material fact in arriving at a conclusion favorable to the claim of the sitting members?

In conclusion of this branch of my argument, I have only to say, that I have looked and listened in vain for the reason and authority upon which to sustain the assumption taken by my opponents, that this House cannot review or reverse its previous decision.

Let us examine the position a moment. By what rule is this House imperatively governed and bound in its own proceedings? First, by the Constitution of the United States, and the laws passed in pursuance thereof; and, secondly, by the regulations adopted for its own government, so long as these regulations remain unrevoked. It is bound no further. The rules of proceeding in courts of justice are of no force in this Hall beyond what propriety and a sense of justice may warrant.—There is no provision in the Constitution, the laws, or the regulations adopted by this House, which forbids a review and reversal of the decision of the last session. The analogies, drawn from the courts of law, address themselves only to the propriety and not to the right of this House. From the technical arguments, so elaborately deduced from that source, one would rather suppose this was a county court, than the high court of parliament.

It would be strange, indeed, if the American Congress was the only body in which wrong once committed is incapable of reparation, and error hardened into a judicial decision, becomes impervious to truth.

The House has by referring the subject to a committee, acknowledged jurisdiction over it, and has thereby decided the matter to be still within its control; for it would be a mockery, after having proceeded for weeks through its committee, in the investigation, now to say that it has the power to examine, but not the power to conclude; the power to hear, but not the power to judge.

I have thus, Mr. Speaker, endeavored to show, not only that this House has the power to review its former decision, but that justice requires it to exercise that power.—I have attempted to clear the way to the examination of the great constitutional question involved, and trust my labor has not been entirely without success. Upon the supposition that the House will come to the conclusion that, if wrong has been done, no principle stands in the way of its reparation, I shall proceed to the examination of the propositions laid down in the early part of my argument. And, first, that the election of Messrs. Claiborne and Gholson, in July last, was unconstitutional, null, and void.

The election was held in July by virtue of the proclamation of the State Executive. Two questions arise. First, Had the Governor of Mississippi constitutional power to order at that time an election for Representatives to the Twenty-fifth Congress? Second, Did he exercise the power? First, Had he the power? He had it not by virtue of any provision in the Constitution or laws of the State. All his authority over the subject of election of Representatives to Congress is derived from the constitution of the United States, and is embraced in the following clause, Art. I, sec. 2: "When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies." Upon the construction of this clause the whole controversy as to the first point hangs. Let us then endeavor to ascertain what the framers of the Constitution meant by a "vacancy in the representation from a State."

The best rule of interpretation is to ascertain, if practicable, the intent and object of the law-giver, and then so construe the words as to cover the intent and attain the object. This intent may be best ascertained by a consideration of the necessity which gave rise to the provision. The framers of the Constitution, in prescribing the general modes through which the right of representation should be exercised, very wisely concluded that the regulations of this most important of all political rights should be placed in the hands of the Legislature of the States respectively, as the safest depositories of so important a trust. Accordingly, they provided, by fourth section of the first article, that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators."

Here the power of prescribing the time, place and manner of holding elections for Representatives is not given to the State Executive in any contingency, but to the Legislature, subject to no paramount authority except a law of Congress. But if the Constitution had stopped here, it would have been defective; for though the State Legislatures, knowing that the regular term would expire, could regulate the time, place and manner of elections to fill the term, yet they could not foresee and provide for vacancies which might happen in the representation after the term in which the regular vacancies were to be filled. The

regular vacancies which might happen in the representation after the term in which the regular vacancies were to be filled. The

Removal.

designated, in addition to his former residence, has purchased the

lots lately exposed to sale by L.

and has removed to the store

opened by him, two doors from the

house, where he is now prepared

to receive his customers.

J. U. EVANS.

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IS HEREBY GIVEN,

that the next March term of the

Court of Jefferson county, I,

John M. Duffield, widow of Pleasant Elam,